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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/954,035	10/20/97	EBADAT	V L6625.001/P0

IM71/0111  
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EXAMINER  
COLE, E

ART UNIT	PAPER NUMBER
1771	5

DATE MAILED: 01/11/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/954,035

Applicant(s)  
Ebadat et al

Examiner  
Elizabeth M. Cole

Group Art Unit  
1771



- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 11 and 12 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 11 and 12 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 11-12 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for woven fabric comprising axially oriented polypropylene tapes, does not reasonably provide enablement for a woven fabric comprising other fibers. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification teaches at page 12, lines 6-25 that the woven fabric must comprise axially oriented polypropylene fibers.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pappas et al, U.S. Patent No. 5,071,699.

Pappas et al discloses a method for reducing the energy of electrostatic discharge in a flexible fabric container comprising the steps of providing a woven fabric comprising axially oriented polypropylene tapes and forming the fabric into a flexible fabric container having side walls, a closed end and an open end and adjusting the electrical resistivity of said woven fabric by incorporating a thermoplastic coating containing a static reducing agent and optionally additional conductive fibers. Pappas et al differs from the claimed invention because Pappas does not disclose that the fabric allows the flow of electricity through the fabric at a rate to discharge of

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below about one-hundred nanocoulombs per individual discharge with the fabric charged at grater than about negative ten thousand volts. However, since Pappas does teach adjusting the electrical resistivity of the fabric by employing an antistatic agent in the coating and/or incorporating conductive fibers into the fabric, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have optimized the electorial resistivity of the fabric by employing an antistatic agent in the coating and/or incorporating conductive fibers into the fabric, and by adjusting the proportions of antistatic agent and conductive fibers as taught by Pappas at col. 5, lines 7-26. It is *prima facie* obvious to optimize a known result effective variable through the process of routine experimentation. *In re Aller*, 220 F.2d 454, 105 USPQ 233 (CCPA 1955).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

Please direct official faxes to (703) 305-5408. Please direct official after final faxes to (703) 305-3599. Please direct unofficial faxes to (703) 305-5436.



Elizabeth M. Cole  
Patent Examiner Art Unit 1771

e.m.c

December 17, 1998